

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9 VAC 5 CHAPTER 50.  
NEW AND MODIFIED STATIONARY SOURCES.

PART II.  
Emission Standards.

ARTICLE 2.  
Standards of Performance For Odorous Emissions (Rule 5-2).

- 9 VAC 5-50-130. Applicability and designation of affected facility.
- 9 VAC 5-50-140. Standard for odorous emissions.
- 9 VAC 5-50-150. Determination of violation.

9 VAC 5-50-130. Applicability and designation of affected facility.

A. Except as provided in subsection C of this section, the affected facility to which the provisions of this article apply is each facility that emits odor.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article do not apply to accidental or infrequent emissions of odors.

9 VAC 5-50-140. Standard for odorous emissions.

A. The owner shall use the best available control technology as approved by the board for the control of odorous emissions.

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility and odorous emissions in excess of that resultant from using best available control technology, as reflected in any condition that may be placed upon the permit approval for the facility.

9 VAC 5-50-150. Determination of violation.

A. The determination of violation shall be made after a thorough review of all data or evidence relating to the situation which may be obtained by an investigation directed by the board. As a part of the investigation, the board, at its discretion, may hold a public hearing in accordance with 9 VAC 5-20-40 A 1 to hear complaints. The investigation may also include use of an odor panel survey or other methods approved by the board, or both.

B. If the discharge of odorous emissions is due to the failure of the owner or other person to meet any conditions of a permit issued under 9 VAC 5 Chapter 80 (9 VAC 5-80-10 et seq.), the board will automatically consider the emissions to be in violation of 9 VAC 5-50-140 and proceed accordingly.

HISTORICAL NOTES:

Derived from: Rule 5-2 of Part V of VR 120-01 (§ 120-05-0201 through § 120-05-0204)

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